



Rules and Ancillary Document Review Checklist
(This form must be filled out electronically.)

All responses should be in **bold** format.

Document Reviewed (include title):

WAC 458-30-500: Definitions of terms used in WAC 458-30-500 through 458-30-590;

WAC 458-30-510: Creation of district – Protest – Adoption of final assessment roll;

WAC 458-30-520: Notification of district – Certification by Assessor – Estimate by district;

WAC 458-30-525: Notification of final assessment roll;

WAC 458-30-530: Notification of owner regarding creation of district;

WAC 458-30-540: Waiver of exemption;

WAC 458-30-550: Exemption – Removal or withdrawal;

WAC 458-30-560: Partial benefit assessment – Computation; and

WAC 458-30-570: Connection subsequent to final assessment roll.

Date last adopted: **11/4/95**

Reviewer: **Kim M. Qually**

Date review completed: **6/23/00**

Is this document being reviewed at this time because of a taxpayer or business association request? (If “YES”, provide the name of the taxpayer/business association and a brief explanation of the issues raised in the request). **YES** ☐ **NO** ☒

Type an “x” in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

1. Explain the goal(s) and purpose(s) of the document:

The goal and purpose of WAC 458-30-500 is to provide definitions of the terms used in WACs 458-30-500 through 458-30-590. This series of rules deal with special benefit assessments in relationship to classified farm and agricultural and timber land.

The goal and purpose of WAC 458-30-510 is to explain the steps local government must take to form a local improvement district. When a local improvement district has been formed landowners within the district are generally required to pay a special benefit assessment to pay for the improvement. Land classified as either farm and agricultural or timber is exempt from these assessments as long as the land remains classified. The rule also provides that landowners may protest the formation of a local improvement district.

The goal and purpose of WAC 458-30-520 is to describe the process that follows the creation of a local improvement district, such as notice to the county assessor and



legislative authority, the assessor duties upon receipt of this notice, and the district's responsibilities.

The goal and purpose of WAC 458-30-525 is to explain the procedures that follow the adoption or confirmation of a final special benefit assessment roll as outlined in RCW 84.34.320.

The goal and purpose of WAC 458-30-530 is to explain the duty of the assessor to notify an owner of classified farm and agricultural or timber land about: the creation of a local improvement district; the exemption of the classified land from the special benefit assessment related to the district; the option the landowner has to waive this exemption; the assessment that will be imposed unless the owner waives the exemption; the assessment that will be imposed in the case of a residence; the connection charge, and the additional charges that will be incurred if the owner chooses to connect to the service after the improvement district is created and the final assessment roll is compiled. This rule also informs the owner of his or her right to appeal the formation of the improvement district.

The goal and purpose of WAC 458-30-540 is to explain the landowner's right to waive the exemption from special benefit assessment provided in RCW 84.34.320 for classified farm and agricultural and timber land. The rule explains the waiver process.

The goal and purpose of WAC 458-30-550 is to what occurs when classified land that has been exempt from the special benefit assessment is withdrawn or removed from the current use program.

The goal and purpose of WAC 458-30-560 is to describe how classified land is treated when a partial special benefit assessment is made as a result of a connection to a domestic water system, sewerage facilities, or road improvements. The rule explains how the amount of the partial assessment is calculated; this includes the five different methods of assessment a local improvement district may use.

The goal and purpose of WAC 458-30-570 is to explain how the amount of special benefit assessment is calculated if the classified farm and agricultural or timber land is connected to the local improvement after the district has been created and the special benefit assessment roll has been finalized.

2. Need:

YES	NO	
X		Is the document necessary to comply with the statutes that authorize it? (E.g., Is it necessary to comply with or clarify the application of the statutes that are being implemented? Does it provide detailed information not found in the statutes?)
	X	Is the document obsolete to a degree that the information it provides is of so little value that the document warrants repeal or revision?
X		Have the laws changed so that the document should be revised or repealed? (If the response is "yes" that the document should be repealed, explain and identify the statutes the rule implemented, and skip to Section 10.)



X	Is the document necessary to protect or safeguard the health, welfare (budget levels necessary to provide services to the citizens of the state of Washington), or safety of Washington's citizens? (If the response is "no", the recommendation must be to repeal the document.)
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Please explain.

The legislature declared in RCW 84.34.300 that special benefit assessments for the improvements or construction of sanitary and/or sewerage service, or domestic water service, or certain road construction do not generally benefit land that has been classified as open space farm and agricultural or timber land until the land is withdrawn or removed from classification, the land is used for a more intense and nonagricultural use, or the land is no longer used as timber. The purpose of RCW 84.34.300 through 84.34.380 is to provide an exemption from certain special benefit assessments that do not benefit farm and agricultural or timber land and to provide the means for local government entities to recover the assessments in current dollar value in the event the land is no longer devoted to farming or timber production under chapter 84.34 RCW. If the owner of such land chooses to make limited use of improvements related to special benefit assessments, RCW 84.34.300 through 84.34.380 provide for the partial assessment on open space timber and farm land to the extent that the land is directly benefited by the improvement. The nine rules listed above involve some facet of this exemption, which is set forth in RCW 84.34.300 through 84.34.380.

The definitions needed to administer and implement this exemption are contained in WAC 458-30-500, which expands on the terms defined in RCW 84.34.310. The definition of "local government" in RCW 84.34.310 was changed in 1999 and the definition in the rule needs to be revised accordingly.

WACs 458-30-510, 458-30-520, 458-30-525, and 458-30-530 concern: the creation of a local improvement district for the improvements or construction of sanitary and/or sewerage service, or domestic water service, or certain road construction; notice of the creation of a district to the county assessor, legislative authority, and owner of classified farm and timber land within its boundaries; and the production and certification of the special benefit assessment rolls that result from the creation of the local improvement.

WACs 458-30-540 explains the owner's right to waive the statutory exemption provided in RCW 84.34.320. It describes the process an owner must follow to waive the exemption.

WAC 458-30-550 discusses the application of the exemption unless the owner specifically notifies the local improvement district that he or she wishes to waive the exemption. If the landowner wants to receive the exemption, he or she does not have to take any action. However, when the land is withdrawn or removed from classification the owner will be required to pay for the special benefit assessment. The calculation of the amount to be paid is set forth in RCW 84.34.330 and is largely dependent upon whether the bonds for the improvement have been retired or not. This rule also sets forth the date upon which total amount is to be paid.



WAC 458-30-560 explains the methods used to calculate a partial benefit assessment when only a portion of the classified farm or timber land is connected to a domestic water system, sewage facilities, or road improvements. The five methods the local improvement district may use are described in detail.

WAC 458-30-570 goes into the procedures and costs involved when land currently classified as farm or timber land is connected to water and/or sewer systems or road improvements after the final special benefit assessment roll for the improvement has been approved.

3. Related ancillary documents, court decisions, BTA decisions, and WTDs: Complete

Subsection (a) only if reviewing a rule. Subsection (b) should be completed only if the subject of the review is an ancillary document. Excise Tax Advisories (ETAs), Property Tax Bulletins (PTBs) and Audit Directives (ADs) are considered ancillary documents.

(a)

YES	NO	
	X	Are there any ancillary documents that should be incorporated into this rule? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any ancillary documents that should be repealed because the information is currently included in this or another rule, or the information is incorrect or not needed? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeal (BTA) decisions, court decisions, or Attorney Generals Opinions (AGOs) that provide information that should be incorporated into this rule?
	n/a	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) that provide information that should be incorporated into the rule?

(b)

YES	NO	
		Should this ancillary document be incorporated into a rule?
		Are there any Board of Tax Appeal (BTA) decisions, court decisions, or Attorney Generals Opinions (AGOs) that affects the information now provided in this document?
		Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) that provide information that should be incorporated into the document?

If the answer is “yes” to any of the questions in (a) or (b) above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

There are no ancillary documents related to these rules.

4. Clarity and Effectiveness:

YES	NO	
X		Is the document written and organized in a clear and concise manner?



X		Are citations to other rules, laws, or other authority accurate? (If no, identify the incorrect citation below and provide the correct citation.)
X		Is the document providing the result(s) that it was originally designed to achieve? (E.g., does it reduce the need for taxpayers to search multiple rules or statutes to determine their tax-reporting responsibilities, help ensure that the tax law and/or exemptions are consistently applied?)
	X	Do changes in industry practices warrant repealing or revising this document?
	X	Do any administrative changes within the Department warrant repealing or revising this document?

Please explain.

WACs 458-30-500, 458-30-510, 458-30-520, 458-30-530, 458-30-540, 458-30-550, 458-30-560, and 458-30-570 were amended and WAC 458-30-525 was first adopted in 1995. They are written in a clear and concise manner in the format now favored by DOR, which includes an introductory paragraph explaining the intended use of rule. Because the rules were recently amended and/or adopted, their style and content were carefully reviewed in 1993-1994 and the rules written in a user-friendly manner. With the exception of the 1999 change in statutory definition of “local improvement district” in WAC458-30-500, the content of the rules are up-to-date.

Each rule as written achieves its intent and purpose. DOR isn’t aware of any problems created by the rules since their adoption in 1995.

5. Intent and Statutory Authority:

YES	NO	
X		Does the Department have sufficient authority to adopt this document? (Cite the statutory authority in the explanation below.)
X		Is the document consistent with the legislative intent of the statutes that authorize it? (I.e., is the information provided in the document consistent with the statute(s) that it was designed to implement ?) If “no”, identify the specific statute and explain below. List all statutes being implemented in Section 9, below.)
	X	Is there a need to recommend legislative changes to the statutes being implemented by this document?



Please explain.

RCW 84.34.360 grants DOR the authority to adopt such rules and regulations as may be necessary or desirable to permit the effective administration of RCW 84.34.300 through 84.34.380, which relate to local improvements and the corresponding special benefit assessments.

6. Coordination: Agencies should consult with and coordinate with other governmental entities that have similar regulatory requirements when it is likely that coordination can reduce duplication and inconsistency.

YES	NO	
	X	Could consultation and coordination with other governmental entities and/or state agencies eliminate or reduce duplication and inconsistency?

Please explain.

The current use program is administered at the local level by assessors, county and city legislative authorities, and county planning commissions. Local government and other state agencies, as appropriate, are consulted during the rule-making process so the chance of adopting duplicative and/or inconsistent rules is minimal.

7. Cost: When responding, consider only the costs imposed by the document being reviewed and not by the statute.

YES	NO	
	X	Have the qualitative and quantitative benefits of the document been considered in relation to its costs? (Answer "yes" only if a Cost Benefit Analysis was completed when the rule was last adopted or revised.)

Please explain.

These are interpretative rules that impose no additional administrative burdens on taxpayers not already imposed by RCW 84.34.300 through 84.34.380.

8. Fairness: When responding, consider only the impacts imposed by the document being reviewed and not by the statute.

YES	NO	
X		Does the document result in equitable treatment of those required to comply with it?
	X	Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community?
	X	Should the document be strengthened to provide additional protection to correct any disproportionate impact on any particular segment of the regulated community?

Please explain.

The nine rules apply uniformly to all owners of classified farm and agricultural or timber land upon which an entity of local government decides to create a local improvement district for domestic water service, sanitary and/or storm sewerage service or certain road construction. The exemption from the special benefit

RCW 84.34.340: Special benefit assessments for farm and agricultural land or timber land – Withdrawal or removal from classification – Notice to local government – Statement to owner of amounts payable – Delinquent date – Enforcement procedures;
RCW 84.34.350: Special benefit assessments for farm and agricultural land or timber land – Use of payments collected;
RCW 84.34.360: Special benefit assessments for farm and agricultural land or timber land – Rules to implement RCW 84.34.300 through 84.34.380;
RCW 84.34.370: Special benefit assessments for farm and agricultural land or timber land – Assessments due on land withdrawn or changed; and
RCW 84.34.380: Special benefit assessments for farm and agricultural land or timber land – Application of exemption to rights and interest preventing nonagricultural or nonforest uses.

Ancillary Documents (i.e., ETAs, PTBs, and ADs): **None**

Court Decisions: **None**

Board of Tax Appeals Decisions (BTAs): **None**

Administrative Decisions (e.g., WTDs): **None**

Attorney General's Opinions (AGOs): **None**

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed):

None



10. Review Recommendation:

- ☒ Amend - WAC 458-30-500 - Definitions
- ☐ Repeal
- ☒ Leave as is
- ☐ Begin the rule-making process for possible revision. (Applies only when the Department has received a petition to revise a rule.)
- ☐ Incorporate ancillary document into a new or existing rule. (Subject of this review must be an ancillary document and not a rule.)

Explanation of recommendation: (If recommending an amendment of an existing rule, provide only a brief summary of the changes you've identified/recommended earlier in this review document.)

The rules are currently serving their intended purpose. They are written in a format that is easy for taxpayers and local taxing officials to read and follow. There is no compelling need to change the rules at this time with the exception of WAC 458-30-500 that needs to be amended to reflect 1999 statutory changes.

11. Manager action: Date: _____

- _____ Reviewed recommendation _____ Accepted recommendation
- _____ Returned for further action

Comments: